

for the rejection of the pending claims.

There is, however, another approach for advancing the matter. Claim 1 specifies that the first float has a generally flat configuration. While the flat configuration has not been emphasized in applicant's previous responses, it was referred to in the fourth paragraph on page 2 of the January 3, 06 response. Specifically, applicant pointed out that, in Dick, the virtual masses of submerged bodies are adjusted to arrange that the two floats oscillate in out of phase relationship. In accordance with applicant's invention, however, it is the shapes of the floats which determine the oscillation phase relations. Thus, claim 1 specifies that the first float has a generally flat configuration while the second float is configured as an elongated spar. In Dick, both floats 5 and 6, each taken as a whole including the submerged bodies dependent there from, are elongated rather than flat. Accordingly, claim 1 clearly patentably distinguishes from Dick.

Concerning claims 2-3, the Examiner simply states, without making the slightest attempt to show evidence in support thereof, that the configuration values of claims 2 and 3 would have been obvious to persons of skill. Now, there are instances where it is appropriate for an examiner to take such a position, but the issues involved must be truly trivial, whereby reasonable persons would agree as to the obviousness of the subject matter. But in the present instance, where the subject matter clearly involves an approach entirely

different from that disclosed in the cited references and, on the face of the matter, is unique, the claimed subject matter is anything but trivial. Certainly, if trivial, the Examiner should be able to cite some relevant prior art.

Reconsideration of the pending rejection and allowance of the application are requested.

Respectfully submitted,

  
Michael Y. Epstein,

Reg. 21186